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August 19, 2015

VIA CM/ECF

Honorable Judge Renee Marie Bumb, U.S.D.J.
Mitchell H. Cohen Building & US Courthouse
4th & Cooper Streets, Room 1050
Camden, NJ 08101

Re: Barton v. Mid-Atlantic Flooring Ventures, Inc., et al.
Civil Case No.: 1:13-cv-04592

Dear Judge Bumb:

This firm is counsel for the defendants Mid-Atlantic Flooring Ventures, Inc. et al. We are in receipt of Your Honor's Opinion filed yesterday, August 18, 2015 permitting Mr. Hagerty to file an application for fees within 45 days.¹ Pursuant to footnote 11 of the Opinion, we write to request an extension of the deadline for Mr. Hagerty to file the fee petition pending the outcome of defendants' impending motion to enforce the settlement reached between the parties.

Over the past year, the parties have been working with Magistrate Judge Donio to attempt to reach a settlement of this matter. We believe a settlement has been reached as evidenced by correspondence from Mr. Hagerty fully agreeing to terms that would then be incorporated into a written document. On June 26, 2015 we sent Mr. Hagerty a settlement agreement for execution. Three weeks later, on July 16, 2015, we followed up with an email to Mr. Hagerty checking on the status of that agreement. On Saturday, July 18, 2015, Mr. Hagerty

¹ We note that the Opinion is dated August 18, 2014 and not 2015.
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finally responded by advising that plaintiff "assigned the attorney fee claim" to his firm and he was apparently attempting to destroy the settlement.

As a result of Mr. Hagerty's email, on July 20, 2015, we informed Judge Donio of our belief that a full and final settlement had been achieved. We further advised that we were considering filing a motion to enforce the settlement based upon the parties' agreement on all material terms. We sent another letter on July 22, 2015 again seeking Judge Donio's intervention to avoid the need for such a motion.

We received no response from the Court and, in the interim, have received Your Honor's opinion allowing Mr. Hagerty to file his motion for fees. We believe the motion to enforce the settlement is appropriate and to avoid the unnecessary expenditure of time and resources, we request that Mr. Hagerty's deadline be extended so that our motion can be decided.

Of course, as we advised Judge Donio, before filing any motion we would be open to addressing this issue at a conference with the Court.

Thank you for your attention to this matter.

Respectfully submitted,

FOX ROTHSCHILD LLP

Ian D. Meklinsky

IDM:ja

cc: Robert Hagerty, Esq. (via electronic filing)